



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 2078

2 AMENDMENT NO. _____. Amend Senate Bill 2078 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Public Health and Safety Animal Population Control
6 Act.

7 Section 5. Findings. The General Assembly finds the
8 following:

9 (1) Controlling the dog and cat population would have a
10 significant benefit to the public health and safety by
11 aiding in the prevention of dog attacks, reducing the
12 number of dog and cat bite cases involving children, and
13 decreasing the number of automobile accidents caused by
14 stray dogs and cats.

15 (2) Increasing the number of rabies-vaccinated, owned
16 pets in low-income areas will reduce potential threats to
17 public health and safety from rabies.

18 (3) Controlling the dog and cat population will save
19 taxpayer dollars by reducing the number of dogs and cats
20 handled by county and municipal animal control agencies.
21 Targeted low-cost spay or neuter programs for dogs and cats
22 in select Illinois counties and other states have proven to
23 save taxpayers money.

24 (4) This Act is established to provide a variety of

1 means by which population control and rabies vaccinations
2 may be financed.

3 Section 10. Definitions. As used in this Act:

4 "Director" means the Director of Public Health.

5 "Department" means the Department of Public Health.

6 "Companion animal" means any domestic dog (*canis lupus*
7 *familiaris*) or domestic cat (*felis catus*).

8 "Fund" means the Pet Population Control Fund established in
9 this Act.

10 Section 15. Income tax checkoff. Each individual income tax
11 payer may contribute to the Pet Population Control Fund through
12 the income tax checkoff described in Section 507EE of the
13 Illinois Income Tax Act.

14 Section 20. Program established. The Department shall
15 establish and implement an Illinois Public Health and Safety
16 Animal Population Control Program by December 31, 2005. The
17 purpose of this program is to reduce the population of unwanted
18 and stray dogs and cats in Illinois by encouraging the owners
19 of dogs and cats to have them permanently sexually sterilized
20 and vaccinated, thereby reducing potential threats to public
21 health and safety. The program shall begin collecting funds on
22 January 1, 2006 and shall begin distributing funds for
23 vaccinations, spaying and neutering operations, or chemical
24 sterilizations on January 1, 2007. No dog or cat imported from
25 another state is eligible to be sterilized or vaccinated under
26 this program. Beginning June 30, 2007, the Director must make
27 an annual written report relative to the progress of the
28 program to the President of the Senate, the Speaker of the
29 House of Representatives, and the Governor.

30 Section 25. Eligibility to participate. A resident of the

1 State who owns a dog or cat and who is eligible for the Food
2 Stamp Program, the Medicaid Program, or the Disability
3 Insurance Benefits Program shall be eligible to participate in
4 the program at a reduced rate if the owner signs a consent form
5 certifying that he or she is the owner of the dog or cat or is
6 authorized by the owner to present the dog or cat for the
7 procedure. A resident of this State who is managing a feral cat
8 colony and who humanely traps feral cats for spaying or
9 neutering and return is eligible to participate in the program
10 provided the trap, sterilize, and return program is recognized
11 by the municipality or by the county, if it is located in an
12 unincorporated area. The sterilization shall be performed by a
13 voluntarily participating veterinarian or veterinary student
14 under the supervision of a veterinarian. The co-payment for the
15 cat or dog sterilization procedure and vaccinations shall be
16 \$15.

17 Section 30. Veterinarian participation. Any veterinarian
18 may participate in the program established under this Act. A
19 veterinarian shall file with the Director an application, on
20 which the veterinarian must supply, in addition to any other
21 information requested by the Director, a fee schedule listing
22 the fees charged for dog and cat sterilization, examination,
23 and the presurgical immunizations specified in this Act in the
24 normal course of business. The dog or cat sterilization fee may
25 vary with the animal's weight, sex, and species. The Director
26 shall compile the fees and establish reasonable reimbursement
27 rates for the State.

28 The Director shall reimburse, to the extent funds are
29 available, participating veterinarians for each dog or cat
30 sterilization procedure administered. To receive this
31 reimbursement, the veterinarian must submit a dog or cat
32 preauthorization sterilization or vaccination certificate on a
33 form approved by the Director that must be signed by the

1 veterinarian and the owner of the dog or cat or the feral cat
2 caretaker. The Director shall notify all participating
3 veterinarians if the program must be suspended for any period
4 due to a lack of revenue and shall also notify all
5 participating veterinarians when the program will resume.
6 Veterinarians who voluntarily participate in this
7 sterilization and vaccination program may decline to treat
8 feral cats if they choose.

9 For all dogs and cats sterilized under this Act, the
10 Director shall also reimburse, to the extent funds are
11 available, participating veterinarians for (1) an examination
12 fee and the presurgical immunization of dogs against rabies and
13 other diseases pursuant to Department rules or (2) examination
14 fees and the presurgical immunizations of cats against rabies
15 and other diseases pursuant to Department rules. Reimbursement
16 for the full cost of the covered presurgical immunizations
17 shall be made by the Director to the participating veterinarian
18 upon the written certification, signed by the veterinarian and
19 the owner of the companion animal or the feral cat caretaker,
20 that the immunization has been administered. There shall be no
21 additional charges to the owner of a dog or cat sterilized
22 under this Act or feral cat caretaker for examination fees or
23 the presurgical immunizations.

24 Section 35. Rulemaking. The Director shall adopt rules
25 relative to:

- 26 (1) Other immunizations covered.
- 27 (2) Format and content of all forms required under this
28 Act.
- 29 (3) Proof of eligibility.
- 30 (4) Administration of the Fund.
- 31 (5) Any other matter necessary for the administration
32 of this Act.

1 Section 40. Enforcement; administrative fine. Any person
2 who knowingly falsifies proof of eligibility for or
3 participation in any program under this Act, knowingly
4 furnishes any licensed veterinarian with inaccurate
5 information concerning the ownership of a dog or cat submitted
6 for a sterilization procedure, or violates any provision of
7 this Act may be subject to an administrative fine not to exceed
8 \$500 for each violation.

9 Section 45. Pet Population Control Fund.

10 (a) The Pet Population Control Fund is established as a
11 special fund in the State treasury. The moneys generated from
12 the fees collected under subsection (b) of this Section, from
13 Section 507EE of the Illinois Income Tax Act, and from
14 voluntary contributions must be kept in the Fund and shall be
15 used only to sterilize and vaccinate dogs and cats in this
16 State pursuant to the program, to promote the sterilization
17 program, to educate the public about the importance of spaying
18 and neutering, and for reasonable administrative and personnel
19 costs related to the Fund. Ten percent of the Fund shall be set
20 aside and allocated each year to the University of Illinois
21 Veterinary School Urban Practice Project of the Anthrozoologic
22 Initiative to spay, neuter, and vaccinate animals in
23 underserved areas of Illinois.

24 (b) Beginning January 1, 2006, each time a rabies tag is
25 issued by a veterinarian or county, the collecting entity
26 established by county ordinance shall collect a \$3 public
27 safety fee on each vaccinated dog and cat required to be
28 registered under the Animal Control Act. The fees shall be
29 remitted for the Department for deposit in the Fund on a
30 quarterly basis. Feral cats are exempt from the requirement of
31 this subsection (b).

32 Section 905. The State Finance Act is amended by changing

1 Section 8h and by adding Section 5.640 as follows:

2 (30 ILCS 105/5.640 new)

3 Sec. 5.640. Pet Population Control Fund.

4 (30 ILCS 105/8h)

5 Sec. 8h. Transfers to General Revenue Fund.

6 (a) Except as provided in subsection (b), notwithstanding
7 any other State law to the contrary, the Governor may, through
8 June 30, 2007, from time to time direct the State Treasurer and
9 Comptroller to transfer a specified sum from any fund held by
10 the State Treasurer to the General Revenue Fund in order to
11 help defray the State's operating costs for the fiscal year.
12 The total transfer under this Section from any fund in any
13 fiscal year shall not exceed the lesser of (i) 8% of the
14 revenues to be deposited into the fund during that fiscal year
15 or (ii) an amount that leaves a remaining fund balance of 25%
16 of the July 1 fund balance of that fiscal year. In fiscal year
17 2005 only, prior to calculating the July 1, 2004 final
18 balances, the Governor may calculate and direct the State
19 Treasurer with the Comptroller to transfer additional amounts
20 determined by applying the formula authorized in Public Act
21 93-839 to the funds balances on July 1, 2003. No transfer may
22 be made from a fund under this Section that would have the
23 effect of reducing the available balance in the fund to an
24 amount less than the amount remaining unexpended and unreserved
25 from the total appropriation from that fund estimated to be
26 expended for that fiscal year. This Section does not apply to
27 any funds that are restricted by federal law to a specific use,
28 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
29 Fund, the Medicaid Provider Relief Fund, or the Reviewing Court
30 Alternative Dispute Resolution Fund, or to any funds to which
31 subsection (f) of Section 20-40 of the Nursing and Advanced
32 Practice Nursing Act applies. No transfers may be made under

1 this Section from the Pet Population Control Fund.

2 Notwithstanding any other provision of this Section, for fiscal
3 year 2004, the total transfer under this Section from the Road
4 Fund or the State Construction Account Fund shall not exceed
5 the lesser of (i) 5% of the revenues to be deposited into the
6 fund during that fiscal year or (ii) 25% of the beginning
7 balance in the fund. For fiscal year 2005 through fiscal year
8 2007, no amounts may be transferred under this Section from the
9 Road Fund, the State Construction Account Fund, the Criminal
10 Justice Information Systems Trust Fund, the Wireless Service
11 Emergency Fund, or the Mandatory Arbitration Fund.

12 In determining the available balance in a fund, the
13 Governor may include receipts, transfers into the fund, and
14 other resources anticipated to be available in the fund in that
15 fiscal year.

16 The State Treasurer and Comptroller shall transfer the
17 amounts designated under this Section as soon as may be
18 practicable after receiving the direction to transfer from the
19 Governor.

20 (b) This Section does not apply to any fund established
21 under the Community Senior Services and Resources Act.

22 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
23 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
24 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
25 1-15-05.)

26 Section 910. The Illinois Income Tax Act is amended by
27 adding Section 507EE as follows:

28 (35 ILCS 5/507EE new)

29 Sec. 507EE. Pet Population Control Fund checkoff. The
30 Department must print on its standard individual income tax
31 form a provision indicating that if the taxpayer wishes to
32 contribute to the Pet Population Control Fund, as established

1 in the Illinois Public Health and Safety Animal Population
2 Control Act, he or she may do so by stating the amount of the
3 contribution (not less than \$1) on the return and that the
4 contribution will reduce the taxpayer's refund or increase the
5 amount of payment to accompany the return. Failure to remit any
6 amount of increased payment reduces the contribution
7 accordingly. This Section does not apply to any amended return.

8 The Department of Revenue shall determine annually the
9 total amount contributed to the Fund pursuant to this Section
10 and shall notify the State Comptroller and the State Treasurer
11 of the amount to be transferred to the Pet Population Control
12 Fund, and upon receipt of the notification the State
13 Comptroller shall transfer the amount.

14 Section 915. The Animal Control Act is amended by changing
15 Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9,
16 10, 11, 13, 15, 15.1, 24, and 26 and by adding Sections 30 and
17 35 as follows:

18 (510 ILCS 5/2.04a)

19 Sec. 2.04a. "Cat" means Felis catus ~~all members of the~~
20 ~~family Felidae.~~

21 (Source: P.A. 93-548, eff. 8-19-03.)

22 (510 ILCS 5/2.05a)

23 Sec. 2.05a. "Dangerous dog" means any individual dog
24 anywhere other than upon the property of the owner or custodian
25 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its
26 owner or custodian that behaves in a manner that a reasonable
27 person would believe poses a serious and unjustified imminent
28 threat of serious physical injury or death to a person or a
29 companion animal ~~in a public place.~~

30 (Source: P.A. 93-548, eff. 8-19-03.)

1 (510 ILCS 5/2.11a)

2 Sec. 2.11a. "Enclosure" means a fence or structure of at
3 least 6 feet in height, forming or causing an enclosure
4 suitable to prevent the entry of young children, and suitable
5 to confine a vicious dog in conjunction with other measures
6 that may be taken by the owner or keeper, such as tethering of
7 the vicious dog within the enclosure. The enclosure shall be
8 securely enclosed and locked and designed with secure sides,
9 top, and bottom and shall be designed to prevent the animal
10 from escaping from the enclosure. If the enclosure is a room
11 within a residence, it cannot have direct ingress from or
12 egress to the outdoors unless it leads directly to an enclosed
13 pen and the door must be locked. A vicious dog may be allowed
14 to move about freely within the entire residence if it is
15 muzzled at all times.

16 (Source: P.A. 93-548, eff. 8-19-03.)

17 (510 ILCS 5/2.11b)

18 Sec. 2.11b. "Feral cat" means a cat that (i) is born in the
19 wild or is the offspring of an owned or feral cat and is not
20 socialized, ~~or~~ (ii) is a formerly owned cat that has been
21 abandoned and is no longer socialized, or (iii) lives on a
22 farm.

23 (Source: P.A. 93-548, eff. 8-19-03.)

24 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

25 Sec. 2.16. "Owner" means any person having a right of
26 property in an animal, or who keeps or harbors an animal, or
27 who has it in his care, or acts as its custodian, or who
28 knowingly permits a dog to remain on any premises occupied by
29 him or her. "Owner" does not include a feral cat caretaker
30 participating in a trap, spay/neuter, return program.

31 (Source: P.A. 93-548, eff. 8-19-03.)

1 (510 ILCS 5/2.19a)

2 Sec. 2.19a. "Serious physical injury" means a physical
3 injury that creates a substantial risk of death or that causes
4 death, serious ~~or protracted~~ disfigurement, ~~protracted~~
5 impairment of health, impairment of the function of any bodily
6 organ, or plastic surgery.

7 (Source: P.A. 93-548, eff. 8-19-03.)

8 (510 ILCS 5/3) (from Ch. 8, par. 353)

9 Sec. 3. The County Board Chairman with the consent of the
10 County Board shall appoint an Administrator. Appointments
11 shall be made as necessary to keep this position filled at all
12 times. The Administrator may appoint as many Deputy
13 Administrators and Animal Control Wardens to aid him or her as
14 authorized by the Board. The compensation for the
15 Administrator, Deputy Administrators, and Animal Control
16 Wardens shall be fixed by the Board. The Administrator may be
17 removed from office by the County Board Chairman, with the
18 consent of the County Board.

19 The Board shall provide necessary personnel, training,
20 equipment, supplies, and facilities, and shall operate pounds
21 or contract for their operation as necessary to effectuate the
22 program. The Board may enter into contracts or agreements with
23 persons to assist in the operation of the program.

24 The Board shall be empowered to utilize monies from their
25 General Corporate Fund to effectuate the intent of this Act.

26 The Board is authorized by ordinance to require the
27 registration and may require microchipping of dogs and cats.
28 ~~and~~ The Board shall impose an individual dog or cat ~~animal and~~
29 ~~litter~~ registration fee to be deposited in a county animal
30 control fund. In addition to the rabies registration fee,
31 pursuant to the Illinois Public Health and Safety Animal
32 Population Control Act, a \$3 public safety fee on each dog or
33 cat shall be collected and forwarded quarterly to the

1 Department of Public Health for deposit in the Pet Population
2 Control Fund. All persons selling dogs or cats or keeping
3 registries of dogs or cats shall cooperate and provide
4 information to the Administrator as required by Board
5 ordinance, including sales, number of litters, and ownership of
6 dogs and cats. If microchips are required, the microchip number
7 may ~~shall~~ serve as the county animal control registration
8 number. ~~All microchips shall have an operating frequency of 125~~
9 ~~kilohertz.~~

10 In obtaining information required to implement this Act,
11 the Department shall have power to subpoena and bring before it
12 any person in this State and to take testimony either orally or
13 by deposition, or both, with the same fees and mileage and in
14 the same manner as prescribed by law for civil cases in courts
15 of this State.

16 The Director shall have power to administer oaths to
17 witnesses at any hearing which the Department is authorized by
18 law to conduct, and any other oaths required or authorized in
19 any Act administered by the Department.

20 This Section does not apply to feral cats.

21 (Source: P.A. 93-548, eff. 8-19-03.)

22 (510 ILCS 5/5) (from Ch. 8, par. 355)

23 Sec. 5. Duties and powers.

24 (a) It shall be the duty of the Administrator or the Deputy
25 Administrator, through sterilization, humane education, rabies
26 inoculation, stray control, impoundment, quarantine, and any
27 other means deemed necessary, to control and prevent the spread
28 of rabies and to exercise dog and cat overpopulation control.
29 It shall also be the duty of the Administrator to investigate
30 and substantiate all claims made under Section 19 of this Act.

31 (b) Counties may by ordinance determine the extent of the
32 police powers that may be exercised by the Administrator,
33 Deputy Administrators, and Animal Control Wardens, which

1 powers shall pertain only to this Act. The Administrator,
2 Deputy Administrators, and Animal Control Wardens may issue and
3 serve citations and orders for violations of this Act. The
4 Administrator, Deputy Administrators, and Animal Control
5 Wardens may not carry weapons unless they have been
6 specifically authorized to carry weapons by county ordinance.
7 Animal Control Wardens, however, may use tranquilizer guns and
8 other nonlethal weapons and equipment without specific weapons
9 authorization.

10 A person authorized to carry firearms by county ordinance
11 under this subsection must have completed the training course
12 for peace officers prescribed in the Peace Officer Firearm
13 Training Act. The cost of this training shall be paid by the
14 county.

15 (c) The sheriff and all sheriff's deputies and municipal
16 police officers shall cooperate with the Administrator and his
17 or her representatives in carrying out the provisions of this
18 Act.

19 (d) The Administrator and animal control wardens shall aid
20 in the enforcement of the Humane Care for Animals Act and have
21 the ability to impound animals and apply for security posting
22 for violation of that Act.

23 (Source: P.A. 93-548, eff. 8-19-03.)

24 (510 ILCS 5/8) (from Ch. 8, par. 358)

25 Sec. 8. Every owner of a dog or cat 4 months or more of age
26 shall have each dog and cat inoculated against rabies by a
27 licensed veterinarian. Every dog and cat shall have a second
28 rabies vaccination within one year of the first. Terms of
29 subsequent vaccine administration and duration of immunity
30 must be in compliance with USDA licenses of vaccines used.
31 Evidence of such rabies inoculation shall be entered on a
32 certificate the form of which shall be approved by the Board
33 and which shall contain the microchip number of the animal if

1 it has one and which shall be signed by the licensed
2 veterinarian administering the vaccine. Veterinarians who
3 inoculate a dog or cat shall procure from the County Animal
4 Control in the county where their office is located serially
5 numbered tags, one to be issued with each inoculation
6 certificate. Only one dog or cat shall be included on each
7 certificate. The veterinarian immunizing or microchipping an
8 animal shall provide the Administrator of the county in which
9 the animal resides with a certificate of immunization and
10 microchip number. The Board shall cause a rabies inoculation
11 tag to be issued, at a fee established by the Board for each
12 dog and cat inoculated against rabies. A \$3 public safety fee
13 shall also be collected to be deposited in the Pet Population
14 Control Fund pursuant to the Illinois Public Health and Safety
15 Animal Population Control Act.

16 Rabies vaccine for use on animals shall be sold or
17 distributed only to and used only by licensed veterinarians.
18 Such rabies vaccine shall be licensed by the United States
19 Department of Agriculture.

20 This Section does not apply to feral cats.

21 If a licensed veterinarian determines in writing that a
22 rabies inoculation would compromise a dog's or cat's health,
23 then the animal shall be exempt from the rabies shot
24 requirement, but the owner must still be responsible for the
25 fees.

26 (Source: P.A. 93-548, eff. 8-19-03.)

27 (510 ILCS 5/9) (from Ch. 8, par. 359)

28 Sec. 9. Any dog found running at large contrary to
29 provisions of this Act may be apprehended and impounded. For
30 this purpose, the Administrator shall utilize any existing or
31 available animal control facility or licensed animal shelter.

32 (Source: P.A. 93-548, eff. 8-19-03.)

1 (510 ILCS 5/10) (from Ch. 8, par. 360)

2 Sec. 10. Impoundment; redemption. When dogs or cats are
3 apprehended and impounded ~~by the Administrator~~, they must be
4 scanned for the presence of a microchip. The Administrator
5 shall make every reasonable attempt to contact the owner as
6 defined by Section 2.16 as soon as possible. The Administrator
7 shall give notice of not less than 7 business days to the owner
8 prior to disposal of the animal. Such notice shall be mailed to
9 the last known address of the owner. Testimony of the
10 Administrator, or his or her authorized agent, who mails such
11 notice shall be evidence of the receipt of such notice by the
12 owner of the animal.

13 In case the owner of any impounded dog or cat desires to
14 make redemption thereof, he or she may do so by doing ~~on~~ the
15 following ~~conditions~~:

16 a. Presenting ~~present~~ proof of current rabies
17 inoculation~~,~~ and registration, if applicable.~~,~~~~or~~

18 b. Paying ~~pay~~ for the rabies inoculation of the dog or
19 cat~~,~~ and registration, if applicable.~~,~~~~and~~

20 c. Paying ~~pay~~ the pound for the board of the dog or cat
21 for the period it was impounded.~~,~~

22 d. Paying ~~pay~~ into the Animal Control Fund an
23 additional impoundment fee as prescribed by the Board as a
24 penalty for the first offense and for each subsequent
25 offense.~~,~~ ~~and~~

26 e. Paying ~~pay~~ for microchipping and registration if not
27 already done.

28 ~~Animal control facilities that are open to the public 7~~
29 ~~days per week for animal reclamation are exempt from the~~
30 ~~business day requirement.~~

31 The payments required for redemption under this Section
32 shall be in addition to any other penalties invoked under this
33 Act.

34 (Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

1 (510 ILCS 5/11) (from Ch. 8, par. 361)

2 Sec. 11. When not redeemed by the owner, agent, or
3 caretaker, a dog or cat must be scanned for a microchip. If a
4 microchip is present, the registered owner must be notified.
5 After contact has been made or attempted, dogs or cats deemed
6 adoptable by the animal control facility shall be offered for
7 adoption, or made available to a licensed humane society or
8 rescue group. If no placement is available, it ~~that has been~~
9 ~~impounded~~ shall be humanely dispatched pursuant to the Humane
10 Euthanasia in Animal Shelters Act ~~or offered for adoption~~. An
11 animal pound or animal shelter shall not release any dog or cat
12 when not redeemed by the owner unless the animal has been
13 ~~surgically~~ rendered incapable of reproduction ~~by spaying or~~
14 ~~neutering~~ and microchipped, or the person wishing to adopt an
15 animal prior to the surgical procedures having been performed
16 shall have executed a written agreement promising to have such
17 service performed, including microchipping, within a specified
18 period of time not to exceed 30 days. Failure to fulfill the
19 terms of the agreement shall result in seizure and impoundment
20 of the animal and any offspring by the animal pound or shelter,
21 and any monies which have been deposited shall be forfeited and
22 submitted to the Pet Population Control Fund on a yearly basis.
23 This Act shall not prevent humane societies from engaging in
24 activities set forth by their charters; provided, they are not
25 inconsistent with provisions of this Act and other existing
26 laws. No animal shelter or animal control facility shall
27 release dogs or cats to an individual representing a rescue
28 group, unless the group has been licensed or has a foster care
29 permit issued by the Illinois Department of Agriculture or is a
30 representative of ~~incorporated as~~ a not-for-profit
31 out-of-state organization. The Department may suspend or
32 revoke the license of any animal shelter or animal control
33 facility that fails to comply with the requirements set forth

1 in this Section or that fails to report its intake and
2 euthanasia statistics each year.

3 (Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

4 (510 ILCS 5/13) (from Ch. 8, par. 363)

5 Sec. 13. Dog or other animal bites; observation of animal.

6 (a) Except as otherwise provided in subsection (b) of this
7 Section, when the Administrator or, if the Administrator is not
8 a veterinarian, the Deputy Administrator receives information
9 that any person has been bitten by an animal, the Administrator
10 or, if the Administrator is not a veterinarian, the Deputy
11 Administrator, or his or her authorized representative, shall
12 have such dog or other animal confined under the observation of
13 a licensed veterinarian for a period of 10 days. The Department
14 may permit such confinement to be reduced to a period of less
15 than 10 days. A veterinarian shall report the clinical
16 condition of the animal immediately, with confirmation in
17 writing to the Administrator or, if the Administrator is not a
18 veterinarian, the Deputy Administrator within 24 hours after
19 the animal is presented for examination, giving the owner's
20 name, address, the date of confinement, the breed, description,
21 age, and sex of the animal, and whether the animal has been
22 spayed, ~~or~~ neutered, or chemically sterilized on appropriate
23 forms approved by the Department. The Administrator or, if the
24 Administrator is not a veterinarian, the Deputy Administrator
25 shall notify the attending physician or responsible health
26 agency. At the end of the confinement period, the veterinarian
27 shall submit a written report to the Administrator or, if the
28 Administrator is not a veterinarian, the Deputy Administrator
29 advising him or her of the final disposition of the animal on
30 appropriate forms approved by the Department. When evidence is
31 presented that the animal was inoculated against rabies within
32 the time prescribed by law, it shall be confined in a house, or
33 in a manner which will prohibit it from biting any person for a

1 period of 10 days, if a licensed veterinarian adjudges such
2 confinement satisfactory. The Department may permit such
3 confinement to be reduced to a period of less than 10 days. At
4 the end of the confinement period, the animal shall be examined
5 by a licensed veterinarian.

6 Any person having knowledge that any person has been bitten
7 by an animal shall notify the Administrator or, if the
8 Administrator is not a veterinarian, the Deputy Administrator
9 promptly. It is unlawful for the owner of the animal to
10 euthanize, sell, give away, or otherwise dispose of any animal
11 known to have bitten a person, until it is released by the
12 Administrator or, if the Administrator is not a veterinarian,
13 the Deputy Administrator, or his or her authorized
14 representative. It is unlawful for the owner of the animal to
15 refuse or fail to comply with the reasonable written or printed
16 instructions made by the Administrator or, if the Administrator
17 is not a veterinarian, the Deputy Administrator, or his
18 authorized representative. If such instructions cannot be
19 delivered in person, they shall be mailed to the owner of the
20 animal by regular mail. Any expense incurred in the handling of
21 an animal under this Section and Section 12 shall be borne by
22 the owner.

23 (b) When a person has been bitten by a police dog that is
24 currently vaccinated against rabies, the police dog may
25 continue to perform its duties for the peace officer or law
26 enforcement agency and any period of observation of the police
27 dog may be under the supervision of a peace officer. The
28 supervision shall consist of the dog being locked in a kennel,
29 performing its official duties in a police vehicle, or
30 remaining under the constant supervision of its police handler.
31 (Source: P.A. 93-548, eff. 8-19-03.)

32 (510 ILCS 5/15) (from Ch. 8, par. 365)

33 Sec. 15. (a) In order to have a dog deemed "vicious", the

1 Administrator, Deputy Administrator, ~~animal control warden,~~ or
2 law enforcement officer must give notice of the infraction that
3 is the basis of the investigation to the owner, conduct a
4 thorough investigation, interview any witnesses, including the
5 owner, gather any existing medical records, veterinary medical
6 records or behavioral evidence, and make a detailed report
7 recommending a finding that the dog is a vicious dog and give
8 the report to the States Attorney's Office and the owner. The
9 Administrator, State's Attorney, Director or any citizen of the
10 county in which the dog exists may file a complaint in the
11 circuit court in the name of the People of the State of
12 Illinois to deem a dog to be a vicious dog. Testimony of a
13 certified applied behaviorist, a board certified veterinary
14 behaviorist, or another recognized expert may be relevant to
15 the court's determination of whether the dog's behavior was
16 justified. The petitioner must prove the dog is a vicious dog
17 by clear and convincing evidence. The Administrator shall
18 determine where the animal shall be confined during the
19 pendency of the case.

20 A dog may ~~shall~~ not be declared vicious if the court
21 determines the conduct of the dog was justified because:

22 (1) the threat, injury, or death was sustained by a
23 person who at the time was committing a crime or offense
24 upon the owner or custodian of the dog, or was committing a
25 willful trespass or other tort upon the premises or
26 property owned or occupied by the owner of the animal ~~upon~~
27 ~~the property of the owner or custodian of the dog;~~

28 (2) the injured, threatened, or killed person was
29 ~~tormenting,~~ abusing, assaulting, or physically threatening
30 the dog or its offspring, or has in the past ~~tormented,~~
31 abused, assaulted, or physically threatened the dog or its
32 offspring; or

33 (3) the dog was responding to pain or injury, or was
34 protecting itself, its owner, custodian, or member of its

1 household, kennel, or offspring.

2 No dog shall be deemed "vicious" if it is a professionally
3 trained dog for law enforcement or guard duties. Vicious dogs
4 shall not be classified in a manner that is specific as to
5 breed.

6 If the burden of proof has been met, the court shall deem
7 the dog to be a vicious dog.

8 If a dog is found to be a vicious dog, the dog shall be
9 spayed or neutered within 10 days of the finding at the expense
10 of its owner and microchipped, if not already, and is subject
11 to enclosure. If an owner fails to comply with these
12 requirements, the animal control agency shall impound the dog
13 and the owner shall pay a \$500 fine plus impoundment fees to
14 the animal control agency impounding the dog. The judge has the
15 discretion to order a vicious dog be euthanized. A dog found to
16 be a vicious dog shall not be released to the owner until the
17 Administrator, an Animal Control Warden, or the Director
18 approves the enclosure. No owner or keeper of a vicious dog
19 shall sell or give away the dog without ~~court~~ approval from the
20 Administrator or court. Whenever an owner of a vicious dog
21 relocates, he or she shall notify both the Administrator of
22 County Animal Control where he or she has relocated and the
23 Administrator of County Animal Control where he or she formerly
24 resided.

25 (b) It shall be unlawful for any person to keep or maintain
26 any dog which has been found to be a vicious dog unless the dog
27 is kept in an enclosure. The only times that a vicious dog may
28 be allowed out of the enclosure are (1) if it is necessary for
29 the owner or keeper to obtain veterinary care for the dog, (2)
30 in the case of an emergency or natural disaster where the dog's
31 life is threatened, or (3) to comply with the order of a court
32 of competent jurisdiction, provided that the dog is securely
33 muzzled and restrained with a leash not exceeding 6 feet in
34 length, and shall be under the direct control and supervision

1 of the owner or keeper of the dog or muzzled in its residence.

2 Any dog which has been found to be a vicious dog and which
3 is not confined to an enclosure shall be impounded by the
4 Administrator, an Animal Control Warden, or the law enforcement
5 authority having jurisdiction in such area.

6 If the owner of the dog has not appealed the impoundment
7 order to the circuit court in the county in which the animal
8 was impounded within 15 working days, the dog may be
9 euthanized.

10 Upon filing a notice of appeal, the order of euthanasia
11 shall be automatically stayed pending the outcome of the
12 appeal. The owner shall bear the burden of timely notification
13 to animal control in writing.

14 Guide dogs for the blind or hearing impaired, support dogs
15 for the physically handicapped, and sentry, guard, or
16 police-owned dogs are exempt from this Section; provided, an
17 attack or injury to a person occurs while the dog is performing
18 duties as expected. To qualify for exemption under this
19 Section, each such dog shall be currently inoculated against
20 rabies in accordance with Section 8 of this Act. It shall be
21 the duty of the owner of such exempted dog to notify the
22 Administrator of changes of address. In the case of a sentry or
23 guard dog, the owner shall keep the Administrator advised of
24 the location where such dog will be stationed. The
25 Administrator shall provide police and fire departments with a
26 categorized list of such exempted dogs, and shall promptly
27 notify such departments of any address changes reported to him.

28 (c) If the animal control agency has custody of the dog,
29 the agency may file a petition with the court requesting that
30 the owner be ordered to post security. The security must be in
31 an amount sufficient to secure payment of all reasonable
32 expenses expected to be incurred by the animal control agency
33 or animal shelter in caring for and providing for the dog
34 pending the determination. Reasonable expenses include, but

1 are not limited to, estimated medical care and boarding of the
2 animal for 30 days. If security has been posted in accordance
3 with this Section, the animal control agency may draw from the
4 security the actual costs incurred by the agency in caring for
5 the dog.

6 (d) Upon receipt of a petition, the court must set a
7 hearing on the petition, to be conducted within 5 business days
8 after the petition is filed. The petitioner must serve a true
9 copy of the petition upon the defendant.

10 (e) If the court orders the posting of security, the
11 security must be posted with the clerk of the court within 5
12 business days after the hearing. If the person ordered to post
13 security does not do so, the dog is forfeited by operation of
14 law and the animal control agency must dispose of the animal
15 through adoption or humane euthanization.

16 (Source: P.A. 93-548, eff. 8-19-03.)

17 (510 ILCS 5/15.1)

18 Sec. 15.1. Dangerous dog determination.

19 (a) After a thorough investigation including: sending,
20 within 10 business ~~3~~ days of the Administrator or Director
21 becoming aware of the alleged infraction, notifications to the
22 owner of the alleged infractions, the fact of the initiation of
23 an investigation, and affording the owner an opportunity to
24 meet with the Administrator or Director prior to the making of
25 a determination; gathering of any medical or veterinary
26 evidence; interviewing witnesses; and making a detailed
27 written report, an animal control warden, deputy
28 administrator, or law enforcement agent may ask the
29 Administrator, or his or her designee, or the Director, to deem
30 a dog to be "dangerous". No dog shall be deemed a "dangerous
31 dog" unless shown to be a dangerous dog by a preponderance of
32 evidence ~~without clear and convincing evidence~~. The owner shall
33 be sent immediate notification of the determination by

1 registered or certified mail that includes a complete
2 description of the appeal process.

3 (b) A dog shall not be declared dangerous if the
4 Administrator, or his or her designee, or the Director
5 determines the conduct of the dog was justified because:

6 (1) the threat was sustained by a person who at the
7 time was committing a crime or offense upon the owner or
8 custodian of the dog or was committing a willful trespass
9 or other tort upon the premises or property occupied by the
10 owner of the animal;

11 (2) the threatened person was ~~tormenting,~~ abusing,
12 assaulting, or physically threatening the dog or its
13 offspring;

14 (3) the injured, threatened, or killed companion
15 animal was attacking or threatening to attack the dog or
16 its offspring; or

17 (4) the dog was responding to pain or injury or was
18 protecting itself, its owner, custodian, or a member of its
19 household, kennel, or offspring.

20 (c) Testimony of a certified applied behaviorist, a board
21 certified veterinary behaviorist, or another recognized expert
22 may be relevant to the determination of whether the dog's
23 behavior was justified pursuant to the provisions of this
24 Section.

25 (d) If deemed dangerous, the Administrator, or his or her
26 designee, or the Director shall order the dog to be spayed or
27 neutered within 14 days at the owner's expense and
28 microchipped, if not already, and one or more of the following
29 as deemed appropriate under the circumstances and necessary for
30 the protection of the public:

31 (1) evaluation of the dog by a certified applied
32 behaviorist, a board certified veterinary behaviorist, or
33 another recognized expert in the field and completion of
34 training or other treatment as deemed appropriate by the

1 expert. The owner of the dog shall be responsible for all
2 costs associated with evaluations and training ordered
3 under this subsection; or

4 (2) direct supervision by an adult 18 years of age or
5 older whenever the animal is on public premises.

6 (e) The Administrator may order a dangerous dog to be
7 muzzled whenever it is on public premises in a manner that will
8 prevent it from biting any person or animal, but that shall not
9 injure the dog or interfere with its vision or respiration.

10 (f) Guide dogs for the blind or hearing impaired, support
11 dogs for the physically handicapped, and sentry, guard, or
12 police-owned dogs are exempt from this Section; provided, an
13 attack or injury to a person occurs while the dog is performing
14 duties as expected. To qualify for exemption under this
15 Section, each such dog shall be currently inoculated against
16 rabies in accordance with Section 8 of this Act and performing
17 duties as expected. It shall be the duty of the owner of the
18 exempted dog to notify the Administrator of changes of address.
19 In the case of a sentry or guard dog, the owner shall keep the
20 Administrator advised of the location where such dog will be
21 stationed. The Administrator shall provide police and fire
22 departments with a categorized list of the exempted dogs, and
23 shall promptly notify the departments of any address changes
24 reported to him or her.

25 (g) An animal control agency has the right to impound a
26 dangerous dog if the owner fails to comply with the
27 microchipping or sterilization requirements.

28 (Source: P.A. 93-548, eff. 8-19-03.)

29 (510 ILCS 5/24) (from Ch. 8, par. 374)

30 Sec. 24. Nothing in this Act shall be held to limit in any
31 manner the power of any municipality or other political
32 subdivision to prohibit animals from running at large, nor
33 shall anything in this Act be construed to, in any manner,

1 limit the power of any municipality or other political
2 subdivision to further control and regulate dogs, cats or other
3 animals in such municipality or other political subdivision
4 provided that no regulation or ordinance is specific to breed.

5 Any municipality or political subdivision allowing feral
6 cat colonies and trap, sterilize, and return programs to help
7 control cat overpopulation has immunity from any liability,
8 civil, criminal, or otherwise, that may result from a feral
9 cat. Any municipality or political subdivision allowing dog
10 parks has immunity from any liability, civil, criminal, or
11 otherwise, that may result from occurrences in the dog park.

12 Any veterinarian or animal shelter worker who in good faith
13 contacts the registered owner of a microchipped animal has
14 immunity from any liability, civil, criminal, or otherwise,
15 that may result from his or her actions.

16 (Source: P.A. 93-548, eff. 8-19-03.)

17 (510 ILCS 5/26) (from Ch. 8, par. 376)

18 Sec. 26. (a) Any person violating or aiding in or abetting
19 the violation of any provision of this Act, or counterfeiting
20 or forging any certificate, permit, or tag, or making any
21 misrepresentation in regard to any matter prescribed by this
22 Act, or resisting, obstructing, or impeding the Administrator
23 or any authorized officer in enforcing this Act, or refusing to
24 produce for inoculation any dog in his possession, or who
25 removes a tag from a dog for purposes of destroying or
26 concealing its identity, is guilty of a Class C misdemeanor for
27 a first offense and for a subsequent offense, is guilty of a
28 Class B misdemeanor.

29 Each day a person fails to comply constitutes a separate
30 offense. Each State's Attorney to whom the Administrator
31 reports any violation of this Act shall cause appropriate
32 proceedings to be instituted in the proper courts without delay
33 and to be prosecuted in the manner provided by law.

1 (b) If the owner of a vicious dog subject to enclosure:

2 (1) fails to maintain or keep the dog in an enclosure
3 or fails to spay or neuter the dog within the time period
4 prescribed; and

5 (2) the dog inflicts serious physical injury upon any
6 other person or causes the death of another person; and

7 (3) the attack is unprovoked in a place where such
8 person is peaceably conducting himself or herself and where
9 such person may lawfully be;

10 the owner shall be guilty of a Class 4 felony, unless the owner
11 knowingly allowed the dog to run at large or failed to take
12 steps to keep the dog in an enclosure then the owner shall be
13 guilty of a Class 3 felony. The penalty provided in this
14 paragraph shall be in addition to any other criminal or civil
15 sanction provided by law.

16 (c) If the owner of a dangerous dog knowingly fails to
17 comply with any order ~~of the court~~ regarding the dog and the
18 dog inflicts serious physical injury on a person or a companion
19 animal, the owner shall be guilty of a Class A misdemeanor. If
20 the owner of a dangerous dog knowingly fails to comply with any
21 order regarding the dog and the dog kills a person the owner
22 shall be guilty of a Class 4 felony.

23 (Source: P.A. 93-548, eff. 8-19-03.)

24 (510 ILCS 5/30 new)

25 Sec. 30. Rules. The Department shall administer this Act
26 and shall promulgate rules necessary to effectuate the purposes
27 of this Act. The Director may, in formulating rules pursuant to
28 this Act, seek the advice and recommendations of humane
29 societies and societies for the protection of animals.

30 (510 ILCS 5/35 new)

31 Sec. 35. Liability.

32 (a) Any municipality or political subdivision allowing

1 feral cat colonies and trap, sterilize, and return programs to
2 help control cat overpopulation shall be immune from criminal
3 liability and shall not be civilly liable, except for willful
4 and wanton misconduct, for damages that may result from a feral
5 cat. Any municipality or political subdivision allowing dog
6 parks shall be immune from criminal liability and shall not be
7 civilly liable, except for willful and wanton misconduct, for
8 damages that may result from occurrences in the dog park.

9 (b) Any veterinarian or animal shelter who in good faith
10 contacts the registered owner of a microchipped animal shall be
11 immune from criminal liability and shall not, as a result of
12 his or her acts or omissions, except for willful and wanton
13 misconduct, be liable for civil damages.

14 (c) Any veterinarian who sterilizes feral cats and any
15 feral cat caretaker who traps cats for a trap, sterilize, and
16 return program shall be immune from criminal liability and
17 shall not, as a result of his or her acts or omissions, except
18 for willful and wanton misconduct, be liable for civil damages.

19 (d) Any animal shelter worker who microchips an animal
20 shall be immune from criminal liability and shall not, as a
21 result of his or her acts or omissions, except for willful and
22 wanton misconduct, be liable for civil damages.

23 Section 995. The State Mandates Act is amended by adding
24 Section 8.29 as follows:

25 (30 ILCS 805/8.29 new)

26 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
27 of this Act, no reimbursement by the State is required for the
28 implementation of any mandate created by this amendatory Act of
29 the 94th General Assembly.

30 Section 999. Effective date. This Act takes effect upon
31 becoming law."